

VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE COUNTY OF
ALBEMARLE

COMMONWEALTH OF VIRGINIA,

Plaintiff,

v.

CHRISTOPHER CHARLES CANTWELL,

Defendant

COURT PROCEEDINGS
Taken on
November 9, 2017

LANE'S COURT REPORTERS, INC.
401 8TH STREET NE
CHARLOTTESVILLE, VA 22902

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1 APPEARANCES:

2 Robert Traci
 410 E. High Street
 Charlottesville, VA 22902
 Attorney for Commonwealth
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 4 BEFORE: The Honorable William G. Barkley
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WITNESSES

Motion before Preliminary Hearing

WITNESSES - Defense DIRECT CROSS REDIRECT RECROSS

Kristopher Goad 12

Preliminary Hearing

WITNESSES - Commonwealth DIRECT CROSS REDIRECT RECROSS

Kristopher Goad 40 68 107/111 113/119

Emily Gorcenski 123 146 185

WITNESSES - Defense DIRECT CROSS REDIRECT RECROSS

Teddy Newcome 194 205

David Rotter 212 223

Christopher Cantwell 223 236 253

Sergeant Pleasants 254 260 262

Elliott Cline 264 269 271

1 here. We are going to call Mr. Goad and he will have an,

2 counsel will have an opportunity to cross him as much as he

3 wishes, so I'm suggesting that this might be an unnecessary

4 step at this point. If, Your Honor wishes to allow this

5 questioning to continue, the Commonwealth would like some

6 explanation as to what its purpose is.

7 THE COURT: Are you opposing defense motion to

8 quash the warrant where Mr. Goad is the complainant?

9 MR. TRACCI: We are opposing the motion to quash,

10 Your Honor.

11 THE COURT: He's entitled to present his evidence.

12 MR. TRACCI: Okay.

13 Q May I have exhibit, the complaint? Mr. Goad,

14 I show you a document. Did you mark it just now? Okay, I

15 don't care which one it is. All I need is one.

16 THE COURT: It should be on there. I wrote an A

17 and I wrote a B. Which one have you got?

18 Q That was B. All right, I'm showing you a doc-

19 ument entitled, it's got up at the top email copy. It's

20 Defense Exhibit B. Can you take a look at that document?

21 Do you recognize that document?

22 A Yes, I do.

23 Q I'm directing your attention down here. May I

24 approach the witness, Judge?

25 THE COURT: Yes.

Q Could you read beginning right there, please?

A It says, the statements above are true and ac-

curate to the best of my knowledge and belief.

Q And what are the two things by the dots under-

neath that?

A I swear---by swearing to these facts I agree

to appear in court and testify if a warrant or summons is

issued and the charge in this warrant cannot be dismissed

except by the Court even at my request.

Q And there's a name under there, it's Christo-

pher Cheney Goad, correct?

A That is correct.

Q And that is your signature there, correct?

A That is correct.

Q And could you please read for the Court begin-

ning with the word I and going to the word temporarily?

A I'm sorry, can you---starting with I and then

temporarily?

Q Start right here.

A Oh, I'm sorry. Well, it's in the middle of a

sentence.

Q I understand that. Would you prefer to read

the whole thing?

1 Q So let the record reflect that we're going to

2 begin the video at five seconds into the unicorn riot video.

3 (Video was played at this time.)

4 Q And I'm just going to as she is playing it in

5 slow motion as you motion, ask you could you identify,

6 could you identify that person right there?.

7 A That person is Christopher Cantwell.

8 Q Is he in the courtroom?

9 A Yes.

10 Q Can you identify him?

11 A This man.

12 Q And we're going to identify a person here in a

13 moment---If you could pause it right there, Ms. Galloway.

14 And this is you again, Mr. Goad?

15 A Yes, that is me in the denim jacket right

16 there.

17 Q Okay. That is at 21 seconds in the video on

18 the left side. And can you stop it right there? Now, who

19 are these two individuals here at 23 seconds in? Who is

20 that spraying the mace?

21 A That is Christopher Cantwell spraying the mace.

22 Q Okay, and that's you right there?

23 MR. WOODARD: Objection, Your Honor, to the extent

24 that he is somehow figuring out that that is mace instead

25 of pepper spray I would object. If he's using the word

Q No. In your complaint you talk about the gel

directly to your face.

MR. WOODARD: Objection, he's leading him now,

taking him to the complaint. Let him go back and ask the

question.

THE COURT: That question is all right. I'll al-

low it. Go ahead.

Q Is that true? That's what the complaint was

about?

A Yes, that is correct.

Q Was that the only time you suffered the ef-

fects of a caustic substance that night, August 11th, what

you described in the statement?

MR. WOODARD: Objection, irrelevant.

THE COURT: I'll allow it. Go ahead.

A I suffered more instances of being attacked

with a caustic agent than in my original statement.

Q And that was made clear as a result of review-

ing the testimony and the video, correct?

A That is correct.

Q Some of which we just saw and the Court has

just observed, correct?

A That is correct.

Q How well do you see without your glasses?

1 A I would say my vision is about 20/60, so I can

2 see up close really well, but further than that things get
3 a little blurry. So like if I take it off right now I can

4 see you. I can see the judge all right, but I can't see

5 what's going on in the gallery.

6 Q Fair to say if it were dark and there was a

7 lot of chaos going on it would be difficult to identify

8 everything that's going on, everything happening?

9 A Yes, that would definitely be the case.

10 Q And you testified earlier that you suffered

11 after the first deployment toward Mr. beanie man, at Mr.

12 beanie man?

13 MR. WOODARD: Objection, asked and answered.

14 THE COURT: That has been asked and answered.

15 Sustain the objection.

16 Q Okay, withdrawn. Did you see any counter pro-

17 testers deploying?

18 A I did not see any counter protestors---

19 MR. WOODARD: Objection, Your Honor. Just be-

20 cause he didn't see it doesn't mean it isn't happening. He

21 probably (unintelligible) flying by either.

22 THE COURT: Just as far as he knows. I'll allow

23 it. What he observed. You can answer.

24 A Oh. I did not see any counter protestors use

25 any caustic agent or use any type of weapon.

Q You stood there without any aggressive action

whatsoever, isn't that right? That's your testimony,

right?

A In regards to your client.

Q No, any action whatsoever. The question is

any aggressive action whatsoever, yes or no.

A I do not---

MR. TRACCI: I would like to ask the relevance of

that question, Your Honor. I think we're talking about his

position with respect to the defendant in this case. And

he also testified earlier, and it's been asked and answered,

that he was not engaged in aggressive behavior including

aggressive kicking or punching.

THE COURT: I'll allow the question, go ahead.

Q No aggressive behavior toward anyone, right?

That's your sworn testimony.

A That is correct.

Q Now, after the event you learned of the exist-

ence of video, correct?

A That is correct.

Q Is the video here, one of them that you re-

viewed? The one you just looked at?

A That is correct.

Q Was that one of the videos you learned about?

A That is correct.

1 pepper spray at my face and caused me to lose my vision
2 temporarily. Is that what you swore under oath back then?
3 A That is what I swore.

4 Q You didn't say anything about Cantwell sprayed
5 beanie man next to me, correct?

6 A I did not put that in that document.

7 Q You didn't say anything about Cantwell sprayed
8 up in the air and it affected me, correct?

9 A I did not put that in the document.

10 Q The only thing you put in the document was

11 used gel mace pepper spray, right?

12 A That is correct.

13 Q So when you took this out you didn't give a

14 darn about anything but gel mace pepper spray, isn't that
15 right? The other two weren't worth your time, right?

16 A No, that is not correct. I was answering it

17 on the best of my ability at the time.

18 Q Well, you took out this charge just for gel

19 mace pepper spray and what about the other two? Did you

20 care about those? Weren't they worth filling out a crim-

21 inal complaint? No, correct?

22 A No.

23 Q Now.

24 A No, as in I don't agree with your statement.

25

1 THE COURT: Mr. Goad has got to answer the ques-

2 tion.

3 Q Okay.

4 A I filled out a criminal complaint on what I

5 had the best knowledge of at that time.

6 Q But you were there, you had knowledge of the

7 beanie man spray and the up in the air spray, correct, when
8 you filled this out? Correct?

9 A I had knowledge of that but that person is re-

10 sponsible---

11 Q But yet you didn't---

12 A Let me finish my question please. That person

13 is responsible for filling out their own crime reports. I

14 cannot fill out their crime reports.

15 Q You just testified you got affected by the

16 over two sprays. You're the person who is supposed to fill

17 out the crime report, Mr. Goad, and you didn't do it. You

18 only filled out the gel mace spray.

19 THE COURT: Just ask---ask him a question.

20 Q Isn't that right?

21 A I filled out a crime report involving being

22 affected by gel mace spray.

23 Q And no other sprays, correct?

24 A At the time, yeah.

Q Now, a week ago you met with someone and de-

termined that gel mace spray wasn't Mr. Cantwell, correct?

A If we're talking about the additional deploy-

ments later then yes, I found out that that was not Mr.

Cantwell.

Q So the gel mace spray, you found out the gel

mace spray guy was dragon arm, correct?

A That is correct.

Q Did you contact the police to correct your er-

roneous sworn statement?

A I have been in contact with---

Q Did you do it to correct this sworn statement

that was no longer true?

A I don't know how to change a sworn statement

that has already been issued.

Q Do you know how to call the police?

A Yes. I've been talking to---

Q Okay. And Mr. Tracci knew this thing was no

longer true. Did you insist that he should file something

with the Court to bring to attention that your sworn state-

ment was no longer true?

MR. TRACCI: Your Honor, that's not---

THE COURT: Is there an objection? Is there an

objection?

1 Cantwell disappears towards the monument, doesn't he? He's
2 no longer in the frame.

3 A In the video, but I was still able to see him.

4 Q Bump it forward. Bump it forward. Bump it

5 forward. Bump it forward. Bump it forward. And right

6 there you're crouched down, isn't that right? You're

7 crouched down in your fighting stance, aren't you?

8 A That's not a fighting stance.

9 Q Bump it forward. Bump it forward. You look

10 over there. Bump it forward.

11 A I can see Mr. Cantwell's center frame. I can

12 see Mr. Cantwell's center frame. I was looking at him at

13 the time. He had mace while someone else is macing me.

14 That led to the misidentification of the gel mace.

15 Q Mr. Cantwell is twenty (20) feet away from you

16 now, isn't he?

17 A I wouldn't say that's twenty (20) feet.

18 Q Ten feet?

19 A Again, these are very difficult, but twenty

20 (20) is a great distance.

21 Q And you're getting, you're getting---the gel

22 mace is coming from dragon arm, right?

23 A Yeah, I would say that---

24 Q Bump it forward. Bump it forward. Bump it

25 forward. Bump it forward. Bump it forward. Bump it for-

1 A No, wait, no, they're not. It's in my hand.

2 That's why I'm making---my glasses are in my hand. That's

3 why I'm making---

4 Q Those glasses, those aren't glasses on your

5 nose?

6 A I can't tell in this resolution.

7 Q Bump it forward.

8 A Look at how my hand---

9 Q Bump it forward. Bump it forward. Bump it

10 forward. Chris Cantwell is right over here on the other

11 side of the monument now, isn't he?

12 A Yeah, that's what I'm been saying, that he

13 didn't get me in the last two deployments.

14 Q And you said, when I failed to do so---when

15 you failed to put the citronella candle out you looked up

16 and Cantwell maced me, isn't that right? That's what

17 you told---

18 A That's what I wrote.

19 Q So your testimony is Cantwell maced you after

20 the citronella candle from the other side of the monument,

21 right?

22 A When it was really before when I did not re-

23 member that because I did not have---

24 Q So this is another----

25 A Please let me finish, sir.

1 A I was, I was in the room with Mr. Tracci when

2 I found out that I had been hit multiple times.

3 Q And you were in the room, you were in the room

4 when Mr. Tracci said it wasn't Cantwell spraying you with

5 the gel, it was Cantwell spraying you these two other times,

6 isn't that right?

7 MR. TRACCI: That's inaccurate, Your Honor. He's

8 misrepresenting---

9 Q I'm asking him the question. If he wants to

10 testify to what happened I'll call him as a witness.

11 THE COURT: Mr. Woodard is correct.

12 Q Isn't that right?

13 A No, that is a gross mischaracter---

14 Q Mr. Tracci is the one who told you you were

15 affected by the other two deployments, isn't that right?

16 A No. I can look at the video. I can see my

17 face go ah---

18 Q Now what about the fourth deployment?

19 A The fourth deployment, the stream that I---

20 Q You didn't take a warrant out about the fourth

21 deployment either, correct?

22 A You can't even see---

23 Q Correct?

24 A You can't even see the person who it is. How

25 am I supposed to say it, unknown person?

1 of shooting above the crowd and you testified that you suf-
2 fered as a result of that deployment as well.

3 A That is correct.

4 MR. WOODARD: Your Honor, we're going over it all

5 again.

6 Q Is that true?

7 MR. WOODARD: I do have a question.

8 A Yes.

9 THE COURT: What's your question?

10
11 RECCROSS-EXAMINATION

12 By: Mr. Woodard

13 Q Mr. Goad, now there are four pepper spray in-

14 cidents with you, right?

15 A Yeah, you saw the video.

16 Q And two of those you didn't care about until

17 you talked to the Commonwealth's Attorney a week ago,

18 right? Didn't take out any warrants on those, right?

19 A Didn't know they existed.

20 Q You didn't, now you didn't know you got pepper

21 sprayed four times?

22 A No, uh---

23 Q Okay, now you didn't take a warrant---

24 A Let me finish, let me finish the question.

25 Q Go ahead. Go ahead.

1 STATE OF VIRGINIA AT LARGE:

2 I, Brittany L. Herring, Notary Public in and for
3 the State of Virginia at Large, having been so duly commis-
4 sioned and qualified, do certify that the foregoing court
5 proceeding was so duly taken at the time and place speci-
6 fied in the caption hereof.

7 I do further certify that said hearing was
8 correctly taken by mechanical methods and that the same was
9 accurately written out in full and transcribed into the

10 English language by Sarah R. Lane and that said transcript
11 is a true, accurate and correct record of the testimony by
12 said witness.

13 I further certify that I am neither attorney nor
14 counsel for or related to or employed by any of the parties
15 to the action in which this hearing was taken and, further,
16 that I am not a relative or employee of any attorney or
17 counsel employed by the parties hereto or financially in-
18 terested in this action.

19 My commission expires November 30, 2019.
20 Given under my hand and seal this 12th day of De-
21 cember, 2017.